

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13669, of Cecil and Kathryn Davison, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to an existing row dwelling which together with an existing accessory structure now exceeds the lot occupancy requirements (Paragraph 7107.21) and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) for a proposed addition to an existing row dwelling in an R-4 District at the premises 627 East Capitol Street, S.E., (Square 869, Lot 28).

HEARING DATE: February 10, 1982

DECISION DATE: February 10, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the south side of East Capitol Street between 6th and 7th Streets and is known as 627 East Capitol Street, S.E. It is in an R-4 District.

2. The site comprises 2,459.52 square feet and is improved with a three story brick row dwelling and garage.

3. On the east property line there is a solid brick wall that extends the entire depth of the dwelling measuring 58.3 feet. There is a court on the east side of the dwelling which begins 30.1 feet back from the front of the dwelling. The court is 4.83 feet wide and 28.2 feet deep.

4. The applicants propose to fill in the subject existing court at first floor level between the house wall and the existing party wall to extend the kitchen, to add a two-foot deep balcony on the second floor level across the rear and construct a spiral stair from the second floor to the garden. The proposal would add additional living space and also a second means of egress from the second story.

5. The subject dwelling occupies 983.15 square feet of the lot, the garage 700.80 square feet of the lot and the court 136.21 square feet, for a total lot occupancy of 74.00 per cent. The proposed balcony addition is 58.02 square feet and will increase the percentage of lot occupancy to 76.36 per cent. The existing house and garage were constructed in late 1870. In the subject R-4 District, the Zoning Regulations permit a sixty percent lot occupancy. The applicant seeks relief from the lot occupancy requirements.

6. The existing court, containing 136.21 square feet is already included in the lot occupancy since the court is less than five feet wide. The additional lot occupancy requested is 58.02 square feet, consisting of a two foot wide balcony on the second floor rear and a spiral stair to the rear yard.

7. The one-story addition in the side court will have no affect on the adjacent properties since the party wall on the east is an existing two-story high solid brick wall. The two foot deep balcony extends to within eight inches of the property line but since the floor construction is only nine inches thick and has an open railing, it will not obstruct the light and air of the neighbor to the west.

8. There was no opposition at the public hearing or of record.


9. The record was left open at the end of the public hearing to permit ANC-6B to submit its verbal recommendation at the public hearing in writing. By letter of February 11, 1982, ANC-6B reported that it voted unanimously to support the application. No grounds were listed to support the recommendation.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes the applicant is seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape, topographical conditions. The Board further must find that approval will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The Board concludes that the practical difficulty exists because of the size of the structures on the site that existed prior to the effective date of the current Zoning Regulations. The Board also concludes that the proposed two percent variance sought is minimal. Based on Finding Nos. 7, 8 and 9, the Board further concludes that the relief can be granted without substantially impairing the intent and purpose of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Douglas J. Patton,  
Connie Fortune and Charles R. Norris to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:   
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: MAY 24 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.